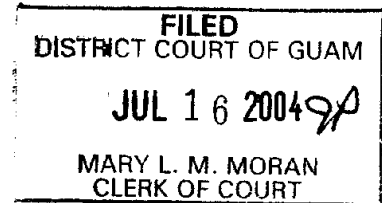


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IN THE UNITED STATES
DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU
SADHWANI, and K. SADHWANI'S
INC., a Guam corporation,
Plaintiffs,

vs.

HONGKONG AND SHANGHAI
BANKING CORPORATION, LTD., a
Foreign corporation, JOHN DOE I
through JOHN DOE X,
Defendants.

CIVIL CASE NO. 03-00036

PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES RE
COURT'S JURISDICTION OVER
HSBC USA LTD.

Pursuant to this Court's Order of July 7, 2004 in the above-captioned matter, plaintiffs submit this memorandum of points and authorities regarding the Court's jurisdiction to compel HSBC USA Ltd. to produce documents in this matter.

Documents or things that are subject to production under F.R.C.P. 34 must be in the "possession, custody or control" of the adverse party, Hongkong and Shanghai Banking Corporation, Ltd. ("HSBC"). There is no requirement under the rules that they be within the territorial jurisdiction of the court. 4A Moore's Federal Practice ¶ 34.16 (2d ed.). So long as the Court has jurisdiction of the parties, it can enforce its order for production, regardless of the location of the documents or things. Id. Plaintiffs concede that HSBC USA Ltd. is not a party to this case and

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cannot be compelled to produce documents. However, if HSBC has custody, control or possession of documents that are required by the Magistrate's Order of May 27, 2004, wherever located (i.e. in all of its branches or offices, whether in the United States, Asia or Pacific region), HSBC is required to produce them.

Dated this 16th day of July, 2004.

ARRIOLA, COWAN & ARRIOLA

By: 
ANITA P. ARRIOLA

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

CERTIFICATE OF SERVICE

I, Anita P. Arriola, hereby certify that on July 16, 2004, I caused to be served via hand delivery, **PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES RE COURT'S JURISDICTION OVER HSBC USA LTD.** to:

**Jacques G. Bronze
Bronze & Tang, P.C.
2nd Floor, BankPacific Building
825 S. Marine Drive
Tamuning, Guam 96913**

Dated this 16th day of July, 2004.



ANITA P. ARRIOLA

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910